

DETAILED ACTION

Response to Arguments

1. The applicant has rewritten claim 3 in independent form.
2. The applicant agreed to an examiner's amendment to place claim 12 in allowable form.
3. Claims 1,2 are cancelled.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip M. Pippenger (Reg. No. 46,055) on 3/11/10.

5. **The claims are to be amended as follows:**

Claim 14: CANCEL.

Claims 15,16,17,18: at line 1, after "claim", delete "14" and insert - - 12 - - in its place.

Claim 12 is to be amended to recite the following:

A modular housing to be fitted in an acoustic channel of an ear plug, the modular housing comprising:

a detector for detecting an acoustic energy level or for detecting a control signal that is indicative for an acoustic energy level to be received;

an acoustic valve to be positioned in said channel; and
a control unit that, in response to an acoustic level sensed by said detector, controls actuation of said acoustic valve between a pass-through position with low attenuation and an attenuating position.

wherein said valve comprises a valve seat and a valve member, wherein the valve member is actuated by the control unit and wherein the valve seat comprises a body of micro-channels.

Allowable Subject Matter

6. Claims 3-13,15-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 3 and 12, prior art Svean et al. (US 7,039,195) Regarding claim 1, Svean discloses an earplug comprising:

a plug member for blocking a person's ear canal, said plug member comprising at least one acoustic channel for channeling incoming acoustic energy into said person's ear (implicit since this is an earplug; Figure 1); a detector for detecting an acoustic energy level or for detecting a control signal that is indicative of an acoustic energy level to be received; (M1, Figure 1; see abstract; column 4 , line 24-36); an acoustic valve (V, Figure 1) positioned in the acoustic channel. Prior art Hardman (US 4,651,777) discloses the concept of a valve being actuated by a control unit is taught by Hardman (see abstract; column 4, lines 52-64).

Regarding claims 3 and 12 the prior art or combination thereof fails to disclose or make obvious wherein said valve comprises a valve seat and a valve member, wherein the

valve member is actuated by the control unit and wherein the valve seat comprises a body of micro-channels.

Claims 4-11,13,15-20 are allowed due to dependency on claims 3 and 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/
Primary Examiner, Art Unit 2614